

REMARKS/ARGUMENTS

By this Amendment, Claims 23 - 28 and 39 have been amended and Claim 29 has been canceled. Claims 1 - 28, 30 - 33 and 35-42 are pending in this application. Claim 34 was previously canceled and Claims 1 - 22, 30 - 33, 35 - 38 and 40 - 42 stand withdrawn from further consideration.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 23 stands rejected as being anticipated by U.S. Patent 5,358,494 (Svedman). It is respectfully submitted that such a rejection is untenable, particularly, in view of the amendment to Claim 23.

In rejecting Claim 23 the examiner has stated:

“Svedman teaches an anisotropic wound packing means in the form of a flexible pad 11 for placement in the wound. Pad 11 comprises a cylindrical piece of synthetic fabric which is considered herein to be anisotropic as it is considerably more difficult to contract a roll of fabric via suction in directions that are orthogonal to the directions of suction flow (Col. 2, lines 56 – 58) Thus, wound packing 11, has at least one predetermined direction of preferential contraction in response to suction, i.e. the direction parallel to suction flow. . .”

That conclusion is erroneous for various reasons. For example, it based on an erroneous assumption that the pad of Svedman is a “roll of fabric” and that a roll of fabric is somehow

inherently anisotropic. The quoted portion of the Svedman specification (Col. 2, lines 56 – 58) merely states that flexible pad is “a cylindrical piece of synthetic fabric or foam rubber” Nowhere, does Svedman state that the fabric is a roll. Thus, all that Svedman fairly teaches to one skilled in the art that he uses a cylindrical pad formed of foam or fabric. Most significantly, there is no disclosure that the cylindrical pad is anisotropic and such a characteristic is not inherent in the disclosure of Svedman. The examiner seeks to make up for this glaring deficiency of Svedman by concluding that “it is considerably more difficult to contract a roll of fabric via suction in directions that are orthogonal to the direction of suction flow” without providing any scientific basis for that conclusion. Even if the examiner’s hypothesis is accurate, the contractile nature of the pad 11 of Svedman would thus be a function of the application of suction to the pad, not because the pad is inherently constructed to be anisotropic (e.g., it’s modulus of elasticity being higher in one direction than in another direction).

In contradistinction, the device as now specified in amended Claim 23 is an anisotropic wound packing having a first direction of contraction and a second direction of contraction, with the wound packing being specified as inherently more contractible in the first direction than in the second direction. Accordingly, for that reason alone, Claim 23 is not anticipated by Svedman.

In addition, as amended Claim 23 now specifies that the wound packing is arranged to be placed in the wound with the first direction of contraction extending along the at least one axis to facilitate continuous contraction of the wound when suction is applied to the wound. This feature is also not shown nor suggested by Svedman.

Application No. 10/663,226
Amendment Dated January 14, 2009
Reply to Office Action of December 12, 2008

None of the other prior art of record makes up for the deficiencies of Svedman as a viable reference to amended Claim 23.

Claims 24 – 29 are dependent either directly or indirectly upon Claim 23 and are hence patentable for reasons similar thereto.

Claim 39 is an independent method claim that has been amended somewhat similarly to Claim 23. Thus for the same basic reasons as given with respect to Claim 23, it is respectfully submitted that Claim 39 is patentable.

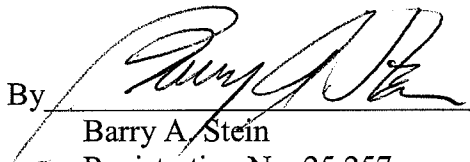
For at least the reasons set forth above, it is respectfully submitted that the subject application is now in condition for allowance. Thus, favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By


Barry A. Stein
Registration No. 25,257
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

January 14, 2009

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.